

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**GEORGIA STATE CONFERENCE
OF THE NAACP, *et al.*,**

Plaintiffs,

v.

STATE OF GEORGIA, *et al.*,

Defendants.

**Civil Action No.
1:21-cv-05338-ELB-SCJ-SDG**

COMMON CAUSE, *et al.*,

Plaintiffs,

v.

BRAD RAFFENSPERGER,

Defendant.

**Civil Action No.
1:22-cv-00090-ELB-SCJ-SDG**

THREE-JUDGE COURT

Before BRANCH, Circuit Judge, JONES and GRIMBERG, District Judges.

By the Court:

ORDER

Currently pending are Defendants' "Motion[s] to Hold Case in Abeyance" (*Georgia NAACP* Doc. No. [198]; *Common Cause* Doc. No. [135]). Specifically, Defendants seek a stay of all deadlines in these actions, including the trial

scheduled for November 13, 2023, until there is a resolution of any appeal of the October 26, 2023 Order entered in *Alpha Phi Alpha v. Raffensperger*, No. 1:21-cv-05337-SCJ; *Pendergrass v. Raffensperger*, No. 1:21-cv-05339-SCJ; *Grant v. Raffensperger*, No. 1:22-cv-00122-SCJ (N.D. Ga. Oct. 26, 2023), which enjoined use of Georgia's 2021 Congressional, State Senate, and State House of Representatives redistricting plans.

The Court heard oral argument on the Motions to Hold in Abeyance during the Pretrial Conference on October 31, 2023. At that time, Defendants were unable to inform the Court whether Secretary Raffensperger would seek a stay of the injunction. On November 1, 2023, the Defendants filed a Notice informing the Court that a stay of the injunction in the *Alpha Phi Alpha/Pendergrass/Grant* cases will not be sought (*Georgia NAACP* Doc. No. [203]; *Common Cause* Doc. No. [136]).¹

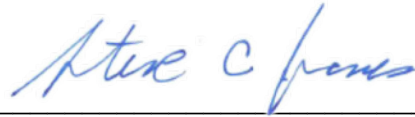
The inherent discretionary authority of the district court to stay litigation pending the outcome of a related proceeding in another forum is not questioned.

¹ The Court notes that Defendants' Notice indicates that Secretary Raffensperger intends to appeal the order in the *Alpha Phi Alpha/Pendergrass/Grant* cases. The Court takes judicial notice, however, that no notice of appeal has been filed on the docket in any of these cases at this time.

See generally *Will v. Calvert Fire Ins. Co.*, 437 U.S. 655, 665 (1978); *Landis v. North Am. Co.*, 299 U.S. 248, 255 (1936); *PPG Indus. Inc. v. Continental Oil Co.*, 478 F.2d 674 (5th Cir. 1973). In light of the decision to forego a stay of the order enjoining the use of the same maps being challenged in the instant cases, as well as the November 29, 2023 Special Session of the General Assembly convened for the purpose of redrawing the Congressional, State Senate, and State House of Representatives redistricting plans, the Court **GRANTS** Defendants' Motions to Hold Case in Abeyance (*Georgia NAACP* Doc. No. [198]; *Common Cause* Doc. No. [135]). The Court finds that conservation of judicial resources dictates that the instant cases be held in abeyance and exercises its discretion to do so until resolution of any appeal of the order issued in the *Alpha Phi Alpha/Pendergrass/Grant* cases. All deadlines set forth in these actions are **STAYED**, and the trial scheduled for November 13, 2023 is **CONTINUED**. Pursuant to the Court's inherent authority to control the disposition of matters on its docket,² the Clerk is **DIRECTED** to terminate all pending motions.

² *Equity Lifestyle Props., Inc. v. Fla. Mowing and Landscape Serv., Inc.*, 556 F.3d 1232, 1240 (11th Cir. 2009) ("A district court has inherent authority to manage its own docket 'so as to achieve the orderly and expeditious disposition of cases.'").

IT IS SO ORDERED this 1st day of November, 2023.



HONORABLE STEVE C. JONES
UNITED STATES DISTRICT JUDGE